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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

September 24, 2012

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ENTERED

Office of Proceedings
September 24, 2012
Part of Public Record

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

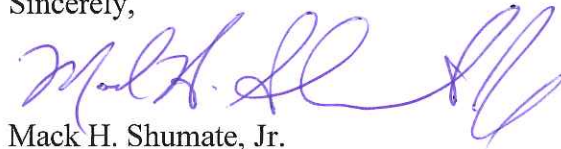
Re: Proposed Joint Exemption Filing for Union Pacific Railroad Company (UP) to discontinue trackage rights and abandon its freight easement upon, and for Santa Clara Valley Transportation Authority (VTA) to abandon its residual common carrier obligation upon, the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near Warm Springs, CA. The line is to be abandoned for freight service but be retained and rebuilt for future inclusion in the Bay Area Rapid Transit (BART). The UP docket for this filing is AB-33 (Sub No. 309x). The VTA docket for this filing will be AB-980 (Sub-No 2X).

Dear Ms. Brown:

Attached for filing in the above-referenced docket is Union Pacific Railroad Company's ("Union Pacific") and Santa Clara Valley Transportation Authority's ("VTA") Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7(e) and §1105.8(d), with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific and VTA anticipate filing a Joint Notice of Exemption to Abandon their respective common carrier interests in the Line on or after October 15, 2012.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

AB-33(Sub-No. 309X)2012_09_24_STB-CEHR.Ltr.doc



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 309X)

**UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF TRackage RIGHTS
AND ABANDONMENT OF FREIGHT EASEMENT --
IN ALAMEDA COUNTY, CALIFORNIA
(SAN JOSE INDUSTRIAL LEAD)**

Docket No. AB-980 (Sub-No. 2X)

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
-- ABANDONMENT OF RESIDUAL COMMON CARRIER SERVICE --
IN ALAMEDA COUNTY, CALIFORNIA
(SAN JOSE INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

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Dated and Filed: September 24, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 309X)

**UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF TRackage RIGHTS
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-- ABANDONMENT OF RESIDUAL COMMON CARRIER SERVICE --
IN ALAMEDA COUNTY, CALIFORNIA
(SAN JOSE INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") and Santa Clara Valley Transportation Authority ("VTA") submit this Combined Environmental and Historic Report ("CEHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d) for a Joint Petition for Exemption for UP to discontinue trackage rights and abandon UP's freight easement upon, and for VTA to abandon VTA's residual common carrier obligation upon, a portion of the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near the rail station of Warm Springs (community of Fremont), a distance of 1.97 miles in Alameda County, California (the "Line). The Line is to be abandoned for freight service but shall be retained and rebuilt for future inclusion in the Bay Area Rapid Transit System ("BART"). The Line traverses U.S. Postal Service Zip Codes 94538 and 94539.

The UP and VTA anticipate that a Joint Petition for Exemption for UP to discontinue trackage rights and abandon UP's freight easement upon, and for VTA to abandon VTA's residual common carrier obligation upon, the Line will be filed at the STB on or after October 15, 2012.

A map of the Line marked **Attachment No. 1** is attached and hereby made part hereof. UP's letter to federal, state and local government agencies marked as **Attachment No. 2** is attached hereto and hereby made a part hereof. Responses, if any, received to UP's letters to date are typically attached and sequentially numbered. To date the UP has received no responses, which likely reflects agency understanding, as explained by UP and VTA in the letter, that the Line is to be retained and rebuilt for inclusion in the BART system.

ENVIRONMENTAL REPORT

49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves UP's discontinuance of trackage rights and the abandonment of its freight easement upon, and VTA's abandonment of its residual common carrier obligation upon, a portion of the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near the rail station of Warm Springs (community of Fremont), a distance of 1.97 miles in Alameda County, California. The Line is owned by the Santa Clara Valley Transportation Authority ("VTA") and UP is discontinuing its trackage rights and abandoning its freight easement over that segment. VTA is abandoning VTA's

residual common carrier obligation upon the Line. The Line to be abandoned for the above-referenced freight service is intended to be retained and rebuilt for future inclusion in the Bay Area Rapid Transit System ("BART").

No changes to operations will occur due to the proposed action. The major reason for filing a petition is the fact that during a portion of the past two years, the Line was used to provide service to a bulk transloading company leasing several UP yard tracks located between the main track of the subject Line and UP's immediately adjacent and parallel Warm Springs Subdivision. However, all service to the customer is now provided via a recently constructed connection to the yard tracks from the Warm Springs Subdivision and the tracks are now considered part of that line. The customer is:

Truck Rail Handling, Inc.

45051 Industrial Drive

Fremont, CA 94538

The Line was also used during a portion of the past two years for the movement of overhead traffic originating or terminating on the section of the San Jose line covered by AB-33 (Sub-No. 303X) and AB- 980 (Sub-No. 1X), including the Milpitas yard and industrial park. The connection between the Warm Springs Subdivision and the Milpitas yard described on Page 8 of that earlier petition filing has been completed. Accordingly, all Milpitas traffic now moves through Warm Springs via the adjacent UP Warm Springs Subdivision.

The Fremont/Warm Springs area will continue to receive rail service from UP lines adjacent to or in the vicinity of the Line. BNSF also has access to the area as per

existing agreements. The area is served by numerous state and local roads that connect to interstate 880 paralleling the Line to the west and Interstate 680 paralleling the Line to the east.

There appears to be no reasonable alternative to the discontinuance and abandonments. There are no shippers served by the Line. Development in the Warm Springs area of Fremont served by the San Jose Industrial Lead is shifting away from rail oriented industries, decreasing the likelihood that a major new rail oriented shipper would be interested in locating on the Line. All former overhead traffic now moves over an adjacent UP line. After the discontinuance and abandonments sought in the Joint Petition for Exemption, UP will continue to provide rail service to the area via its Warm Springs Subdivision.

The Line was constructed in 1921 by the Western Pacific Railroad. The majority of the line, approximately 1.5 miles, is constructed with 100 pound jointed rail laid in 1955. The balance is primarily 119 pound welded rail laid in 1996. The Line was purchased from UP by VTA in December of 2002. The freight easement and trackage rights transactions with VTA also occurred in December, 2002.

The Line is located generally within the Warm Springs section of Fremont, CA. The Line is surrounded by existing streets, highways, mass transportation services, utilities and public parks for recreation. The Line, over which UP will give up its operating rights, was sold to the VTA in December, 2002 and will be incorporated into the BART mass transit system. UP and VTA do not believe the right-of-way which makes up the Line from milepost 5.38 to milepost 7.35 is suited to other public purposes

including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation.

Based on information in our possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1.**

(1) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There should be no effect on regional or local transportation systems, because rail service to the area will continue via the Warm Springs Subdivision and there will be no diversion to other modes or systems.

(2) **Land use.**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) The Alameda County Supervisors Office has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) The California Coastal Commission has been contacted. To date UP has received no response.

(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as this area is adequately served by existing roads and utility lines at the present time.

(3) **Energy.**

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There will be no effects on the transportation of energy resources.

(ii) There will be no effects on recyclable commodities.

(iii) There will be no effect on energy efficiency.

(iv) (A)(B) There will be no rail-to-motor diversion.

(4) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(4) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic of these magnitudes as a result of the proposed action.

(4) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(5) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement

communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(6) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(7) **Biological resources.**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(8) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The California Environmental Protection Agency has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. To date, no response has been received.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(9) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT **49 C.F.R. § 1105.8(d)**

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The terrain under this Line is essentially flat and all urban in nature. Right-of-way which belongs to VTA is mostly 60 feet in width with some 80 foot width stretches. The Line passes through an older industrial/commercial area of the Warm Springs portion of Fremont now mainly occupied by trucking/warehousing, material storage, scrap metal/recycling and vehicle repair businesses.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: The California Department of Parks and Recreation, Office of Historic Preservation was provided with two (2) photographs of the only railroad bridge affected by the proposed discontinuance and abandonments. The bridge is a single-tracked 114 foot through plate girder structure crossing over Mission Boulevard at milepost 6.72 and located on the trackway purchased by VTA for transit use from UP. The bridge will be replaced with a double-tracked structure dedicated to passenger rail traffic as part of the BART Extension project. The letter and pictures sent to the Office of Historic Preservation are attached hereto as **Attachment No. 3**, and are hereby made a part hereof. To date, UP has not received a response from the Office of Historic Preservation. However, VTA explained in an August 29, 2012, letter to the Board in AB-33 (Sub-No. 303X) / AB-980 (Sub-No. 1X) that the BART Extension, of which the Line is a part, was subject to review and consultation pursuant to Section 106 of the National Historic Preservation Act. The Federal Transit Administration ("FTA") issued a Record of Decision ("ROD") for the BART project on June 24, 2010, and determined that no historical architectural properties would be affected. ROD at 11. The ROD and supporting environmental documentation are available at <http://www.vta.org/bart/documentlibrary.html>.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: The bridges and their dates of construction are listed on the map,

Attachment No. 1.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP and VTA know of no historic sites or structures or archeological resources on the Line or in the project area. UP and VTA believe that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line. The Office of Historic Preservation, FTA and VTA have already concluded that no historic architectural properties will be affected by the proposed abandonment or future construction of transit facilities. ROD at 11. In connection with the BART Extension that will follow the proposed abandonment, FTA. VTA and the Office of Historic Preservation have entered into a Programmatic Agreement to establish a methodology for handling any

unanticipated archaeological resources that may be encountered during construction.

ROD at 11. 13-14, 16-17. Attachment A at 1-10 and Attachment B. Final Programmatic Agreement.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP and VTA do not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

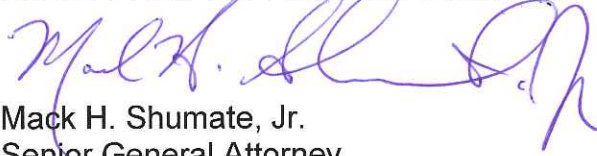
CONCLUSION

Because the impacts on any historic resources within the abandonment area have already been evaluated and subject to comprehensive review and consultation in connection with the proposed BART expansion, UP and VTA believe that all criteria for historic preservation review in connection with the proposed abandonment have been satisfied.

Dated this 24th day of September, 2012.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



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SANTA CLARA VALLEY TRANSPORTATION
AUTHORITY

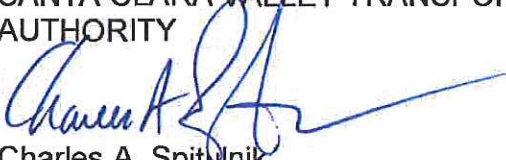
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Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

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MP 5.38 TO MP 7.35
TOTAL 1.97 MILES IN ALAMEDA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.
SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY
SAN JOSE INDUSTRIAL LEAD
CALIFORNIA

-

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

April 13, 2012

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Santa Clara County Administration Center
Board of Supervisors
70 West Hedding Street
San Jose, CA 95110

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 8
2800 Cottage Way W-2606
Sacramento, CA 95825

U.S. Army Corps of Engineers:

U. S. Army Corps of Engineers,
San Francisco
1455 Market St., Room 1667
San Francisco, CA 94103

National Park Service:

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
4625 W Jennifer Ave., Ste. 109
Fresno, CA 93722

National Geodetic Survey:

National Geodetic Survey
Geodetic Services Division
Information Services
NOAAINGS12
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA, 95816.

Re: Proposed Joint Exemption Filing for Union Pacific Railroad Company (UP) to discontinue trackage rights and abandon its freight easement upon, and for Santa Clara Valley Transportation Authority (VTA) to abandon its residual common carrier obligation upon, the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near Warm Springs, CA. The line is to be abandoned for freight service but be retained and rebuilt for future inclusion in the Bay Area Rapid Transit (BART). The UP docket for this filing is AB-33 (Sub No. 309x). The VTA docket for this filing will be AB-980 (Sub-No 2X).

To Whom It May Concern:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to discontinue trackage rights and abandon its freight easement upon, and Santa Clara Valley Transportation Authority (VTA) plans to request authority to abandon its residual common carrier obligation upon, the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near Warm Springs, CA. The line to

be abandoned for freight service is intended to be retained and rebuilt for future inclusion in the Bay Area Rapid Transit (BART). A map of the proposed track abandonment is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to the undersigned and to Mr. Charles Spitulnik, legal representative for VTA.

Sincerely,

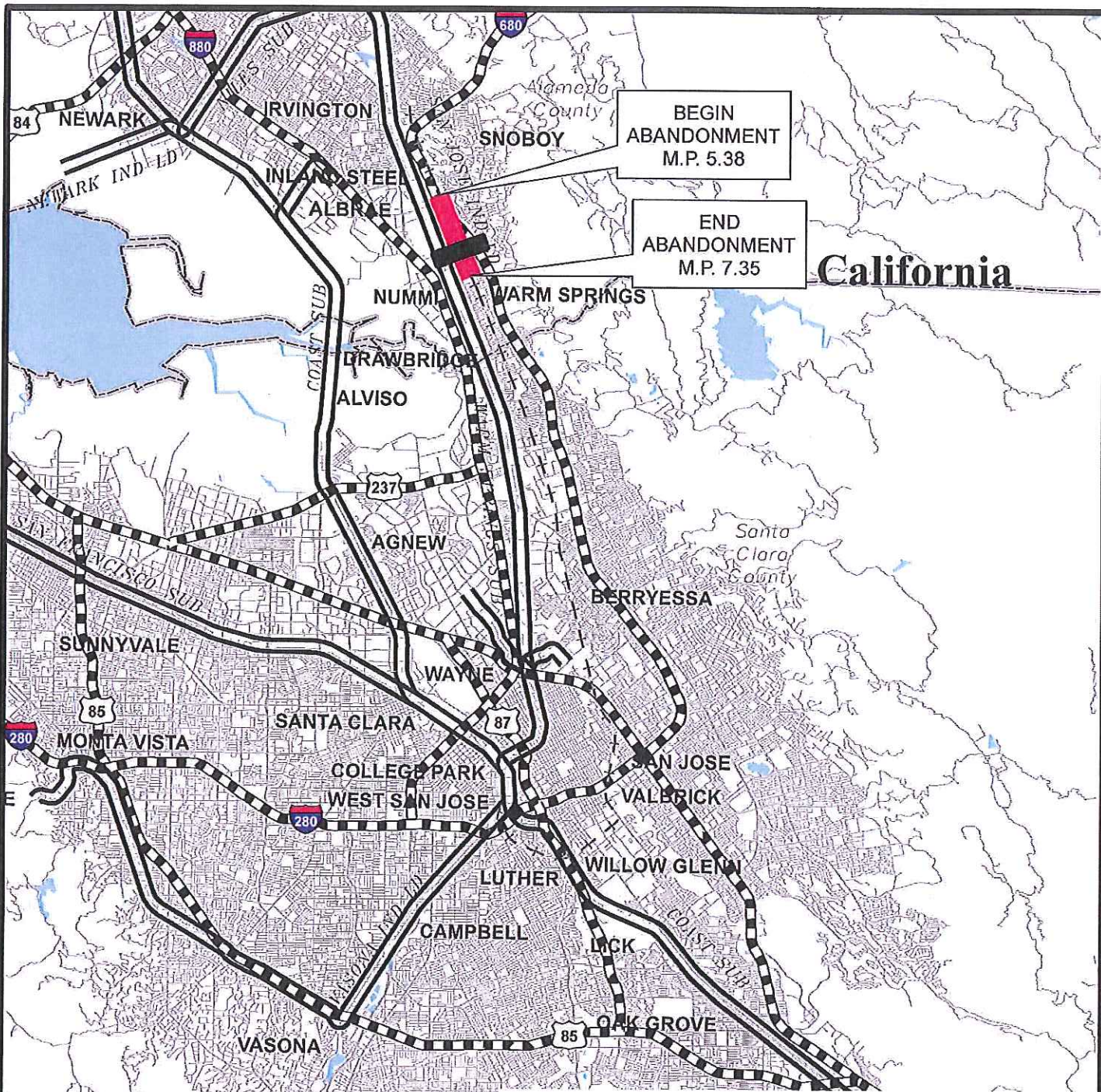
Colleen K. Graham (jg)

Colleen K. Graham, Paralegal
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

Enclosure(s): Map

cc:

Charles Spitulnik, Kaplan Kirsh & Rockwell, LLP, 1001 Connecticut Ave, NW, Ste 800, Washington DC, 20036, cspitulnik@kaplankirsch.com

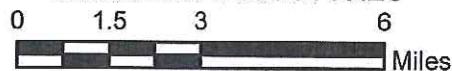


SAN JOSE INDUSTRIAL LEAD

MP 5.38 TO MP 7.35
TOTAL 1.97 MILES IN ALAMEDA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.
SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY
SAN JOSE INDUSTRIAL LEAD
CALIFORNIA

INCLUDING STRUCTURES



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
6.72	2-SPAN THROUGH PLATE GIRDER (TPG)	114	1954

Legend

- 50+ YEAR OLD STRUCTURES
- UPRR - VTA LINE TO BE ABANDONED
- OTHER UPRR LINES
- ABANDONED TRACK OR WAITING APPROVAL
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

April 13, 2012

State Historic Preservation Office
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA, 95816.

RE: Proposed Joint Petition for Exemption Filing for Union Pacific Railroad Company (UP) to discontinue trackage rights and abandon its freight easement upon, and for Santa Clara Valley Transportation Authority (VTA) to abandon its residual common carrier obligation upon, the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near Warm Springs, CA. The line is to be abandoned for freight service but be retained and rebuilt for future inclusion in the Bay Area Rapid Transit (BART). The UP docket for this filing is AB-33 (Sub No. 309x). The VTA docket for this filing will be AB-980 (Sub-No 2X).

In a letter dated April 9, 2012, UP notified your office of its plan to discontinue trackage rights and abandon its freight easement upon, and of VTA's plans to request authority to abandon its residual common carrier obligation upon, the San Jose Industrial Lead from milepost 5.38 to milepost 7.35 near Warm Springs, CA. The line to be abandoned for freight service is intended to be retained and rebuilt for future inclusion in the Bay Area Rapid Transit (BART). In the same letter, UP attached a map which outlined the maps. In addition, we are enclosing color photographs.

The Surface Transportation Board ("STB") desires verification that your office sees no outstanding issues under Section 106 of National Historic Preservation Act. Accordingly, if you concur that there are no outstanding Section 106 issues regarding the Line, please verify by signing and dating the second page of this letter and return same to me in the enclosed self-addressed envelope, or if you prefer, you may respond via email to cgraham@up.com with a signed version of the letter in PDF format.

Sincerely,

Colleen K. Graham (Jeg)

Colleen K. Graham, Paralegal
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

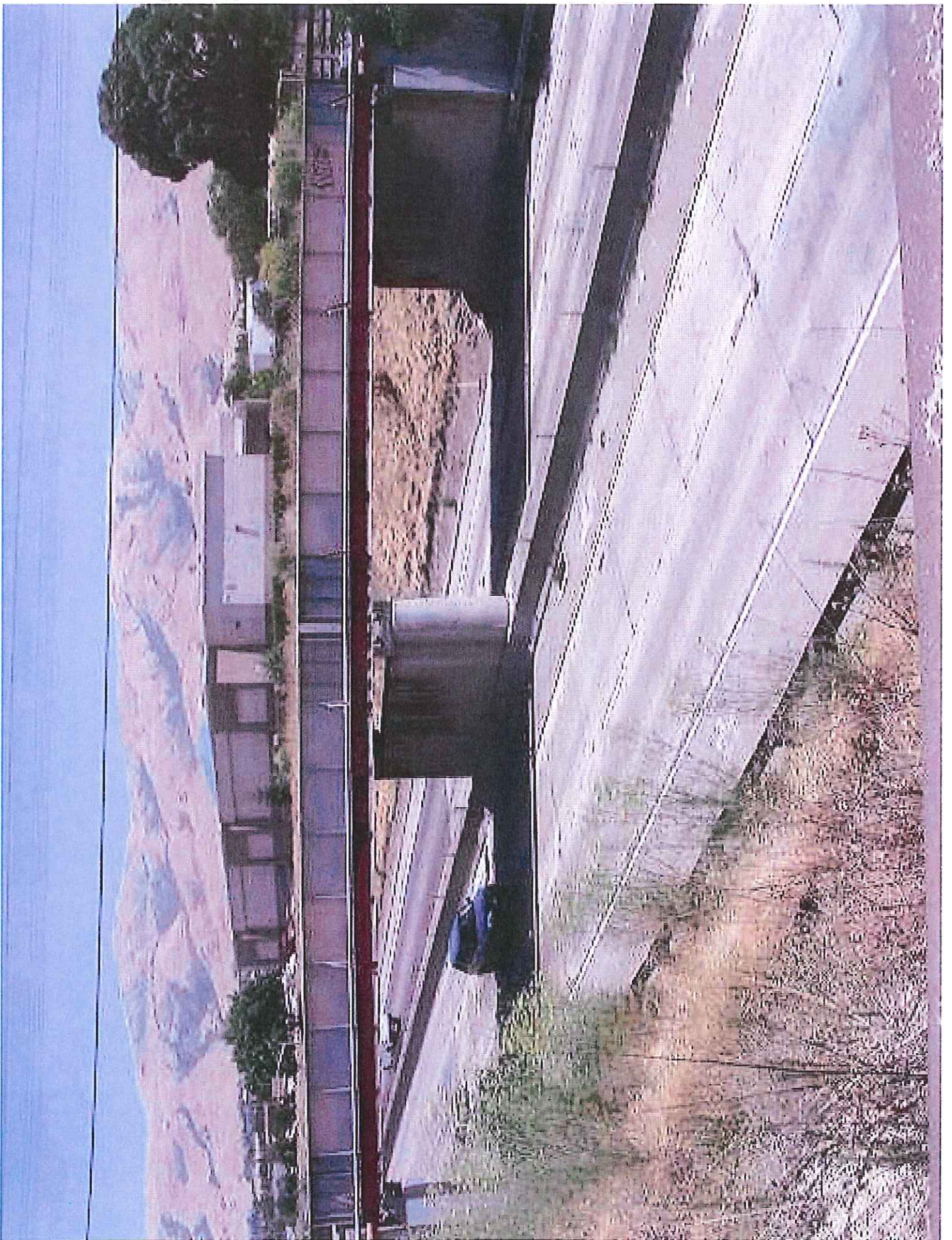
State Historic Preservation Office
1416 9th Street, Room 1442
PO Box 942896
Sacramento, CA 94296

No Outstanding Section 106 Issues

By: _____

Title: _____

Dated: _____





**CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Joint Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 309X) and AB-980 (Sub-No. 2X) for the San Jose Industrial Lead in Alameda County, California was served by first class mail on the 24th day of September, 2012 on the following:

State Clearing (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

State Coastal Zone Management Agency (if applicable):

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

County of Alameda Administration Building
Board of Supervisors
1221 Oak Street, Room 536
Oakland, CA 94612

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 8
2800 Cottage Way W-2606
Sacramento, CA 95825

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers, San Francisco
1455 Market Street, Room 1667
San Francisco, CA 94103

National Park Service:

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, Ca 94607

**U.S. Natural Resources Conservation
Service:**

State Conservationist
Natural Resource Conversation Service
4625 W. Jennifer Avenue, Suite 109
Fresno, CA 93722

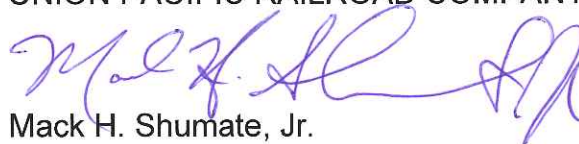
National Geodetic Survey:

National Geodetic Survey
Geodetic Services Division
Information Services
NOAAINGS12
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive, Room 1920

Chicago, Illinois 60606

312-777-2055

877-213-4433 (Fax)

mackshumate@up.com